

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9376. Adulteration of peanuts. U. S. v. 14 Bags of Peanuts. Default decree ordering product disposed of for animal feed. (F. D. C. No. 18862. Sample No. 47434-H.)

LIBEL FILED: January 16, 1946, District of Utah.

ALLEGED SHIPMENT: On or about May 11, 1945, from Dallas, Tex.

PRODUCT: 14 120-pound bags of peanuts at Salt Lake City, Utah, in the possession of the W. H. Bintz Co. The product was stored under insanitary conditions after shipment. The bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 1, 1946. No claimant having appeared, judgment was entered finding the product adulterated as alleged and ordering that it be fed to animals, under the custody or direction of the United States marshal.

9377. Adulteration of peanuts. U. S. v. 13 Bags and 15 Bags of Peanuts. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 18743, 18759. Sample Nos. 12959-H, 14047-H, 21945-H, 21946-H.)

LIBELS FILED: December 28, 1945, and January 17, 1946, Southern District of Ohio and Western District of Tennessee.

ALLEGED SHIPMENT: Between the approximate dates of September 7 and November 6, 1945, by the National Peanut Corporation, Suffolk, Va.

PRODUCT: 13 100-pound bags and 15 115-pound bags of peanuts at Dayton, Ohio, and Memphis, Tenn., respectively.

LABEL, IN PART: "Planters Royal Brand Peanuts," or "Extra Large Virginia Shelled Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect-eaten pieces.

DISPOSITION: January 7 and 22, 1946. The National Peanut Corporation, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

9378. Adulteration of peanuts. U. S. v. 1 Barrel and 3 Bags of Peanuts. Decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 18945. Sample No. 1331-H.)

LIBEL FILED: January 9, 1946, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 7, 1945, by the Donalsonville Grain and Elevator Co., from Donalsonville, Ga.

PRODUCT: 1 400-pound barrel and 3 bags of Spanish peanuts at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-eaten peanuts, webbing, insect excreta, and decomposed peanuts.

DISPOSITION: March 15, 1946. The Crystal Candy Co., claimant, having withdrawn its answer to the libel, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as stock feed.

9379. Adulteration of shelled peanuts. U. S. v. 26 Bags of Shelled Peanuts. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 18745. Sample No. 27881-H.)

LIBEL FILED: December 28, 1945, District of Montana.

ALLEGED SHIPMENT: On or about August 30, 1944, by the King Peanut Co., from Abilene, Tex.

PRODUCT: 26 124-pound bags of shelled peanuts at Butte, Mont.

LABEL, IN PART: "King Quality No. 1 Hand Picked Shelled Spanish Peanuts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of larvae, webbing, and insect excreta.

DISPOSITION: February 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution to be denatured for use as hog feed.

9380. Misbranding of candy-coated peanuts. U. S. v. 288 Boxes and 336 Boxes of Candy-coated Peanuts. Decree ordering release of the product under bond. (F. D. C. No. 18739. Sample Nos. 37946-H, 37947-H.)

LIBEL FILED: January 8, 1946, Eastern District of Washington.

ALLEGED SHIPMENT: On or about November 5 and 13, 1945, by the Snax Products Co., from Los Angeles, Calif.

PRODUCT: 288 boxes and 336 boxes, each containing 12 cellophane bags, of candy-coated peanuts at Spokane, Wash. Examination showed that the product was short-weight.

LABEL, IN PART: "Candy-Coated Peanuts 10¢ Wt. 2 Ozs.," or "Snax Boston Beans Candy Coated Peanuts Net Weight 2 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 15, 1946. A. Provisor, owner of the Snax Products Co., claimant, having admitted the allegations of the libel, judgment was entered ordering the release of the product under bond, conditioned that the packages of peanuts be broken open, and that the contents be sold in bulk, or repacked, under the supervision of the Food and Drug Administration.

9381. Adulteration of chocolate-coated peanuts. U. S. v. 5 Cartons of Chocolate Coated Peanuts (and 1 other seizure action against chocolate-coated peanuts). Default decrees of condemnation and destruction. (F. D. C. Nos. 19016, 19093. Sample Nos. 8296-H, 12320-H, 12754-H.)

LIBELS FILED: January 28 and February 6, 1946, District of Massachusetts and Northern District of New York.

ALLEGED SHIPMENT: On or about October 13 and December 11, 1945, by the Toledo Candy Co., from Toledo, Ohio.

PRODUCT: 5 30-pound cartons of chocolate-dipped peanuts at Binghamton, N. Y., and 18 30-pound boxes of the same product at Worcester, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs in the New York lot and rodent hairs, larvae, and insect fragments in the Worcester lot.

DISPOSITION: March 6 and 25, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

9382. Misbranding of shelled pecans. U. S. v. Southland Pecan Co. Plea of nolo contendere. Fine, \$1,500. (F. D. C. No. 17772. Sample Nos. 63959-F, 606-H, 5921-H, 5923-H, 12921-H.)

INFORMATION FILED: January 25, 1946, Middle District of Georgia, against the Southland Pecan Co., a corporation, Columbus, Ga.

ALLEGED SHIPMENT: Between the approximate dates of December 12 and 30, 1944, from the State of Georgia into the States of South Carolina, New York, Indiana, and Florida.

LABEL, IN PART: "Gold Medal Pecans Net Wt 1/12 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the bags contained less than the declared weight.

DISPOSITION: February 7, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$300 on each of 5 counts, a total fine of \$1,500.

9383. Adulteration of pecans. U. S. v. 3 Bags of Pecans. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 18854. Sample No. 14459-H.)

LIBEL FILED: January 15, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 8, 1945, by the Southeastern Pecan Co., from Waycross, Ga.

PRODUCT: 3 bags, each containing 30 3-pound packages, of pecans at Cleveland, Ohio.

LABEL, IN PART: "Sears Roebuck & Co. Fancy Georgia Pecans."